



WILLIAM K. FULMER, II

Attorney and Counselor at Law

7289 Burlington Pike
Florence, Kentucky 41042
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August 26, 2004

Kentucky Public Service Commission
ATTN: Consumer Services Division
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

RECEIVED

AUG 27 2004

PUBLIC SERVICE
COMMISSION

Case 2004-00348

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PSC Consumer Services

IN RE: HOWARD KEEN v. CARROLL COUNTY WATER DISTRICT #1

To Whom It May Concern:

Enclosed please find the *Formal Complaint* of my client/Petitioner, Howard Keen. Mr. Keen files the enclosed formal complaint to this Commission pursuant to 807 KAR 5.001 § 12 which is applied by statutory authority under KRS § 278.00 *et seq.* If this Commission has any questions for Mr. Keen please direct them through this office. Thank you.

Sincerely,


William K. Fulmer, II

Enclosure

WKF/tm

cc: Howard Keen

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AUG 27 2004

PUBLIC SERVICE
COMMISSION

**COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
CASE NUMBER: 2004-00348**

HOWARD KEEN

PETITIONER

vs.

CARROLL COUNTY WATER DISTRICT #1

RESPONDENT

FORMAL COMPLAINT

Now comes the Petitioner, HOWARD KEEN, by and through counsel and pursuant to 807 KAR 5.001 § 12 files this *Formal Complaint* and in support of the same states as follows:

1. Petitioner is a natural person and resides at 72 Goodridge Drive, Florence, Boone County, Kentucky.
2. Petitioner is owner of real property located at the corner of Fairview Road and Clay Lick Road in Owen County, Kentucky (Land).
3. Respondent, CARROLL COUNTY WATER DISTRICT #1, is a utility whose principal place of business is P.O. Box 350, Ghent, Carroll County, Kentucky.
4. That this Commission has jurisdiction over this issue pursuant to KRS 278.00 et seq. and has adopted pertinent regulations pursuant to KRS 278.310.
5. That on March 31, 2004 Respondent did notify Petitioner, via a letter from James L. Smith, Manager a copy of which is attached hereto and incorporated herein, of its intention to charge Petitioner for the "road bore back" because of Petitioner's refusal to give Respondent property rights, *to wit*, an easement, in Petitioner's Land.

6. That Respondent's cited regulation does not apply to the herein matter.

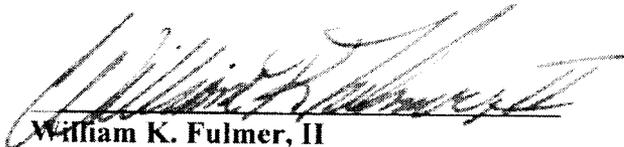
7. That Petitioner, through counsel, did reply to Respondent's March 31, 2004 letter with a letter dated April 13, 2004, a copy of which is attached hereto and incorporated herein, and as of the date of this *Formal Complaint* had yet to receive a reply.

8. That Respondent's failure to reply to Petitioner's April 13, 2004 letter did violate Respondent's own regulations. (Carroll County Water District #1's Rates & Charges and Rules & Regulations for Furnishing Water Service at Carroll, Gallatin and Owen Counties Kentucky § II (F), pp.20-21 (2003)).

WHEREFORE, Petitioner prays for the following relief:

1. Petitioner's meter for the aforementioned property be connected;
2. Petitioner be required to pay only the regular meter connection fee;
3. That Respondent be barred from charging Petitioner any "road bore back" fee;
4. Any and all further relief, to which Petitioner may be entitled; and
5. For leave to amend this Formal Complaint as the premises indicate.

Respectfully Submitted,



William K. Fulmer, II
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7289 Burlington Pike
Florence, Kentucky 41042
Phone: (859) 282-3500
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E-mail: wkfii@fuse.net

cc: Howard Keen

CARROLL COUNTY WATER DISTRICT #1

PO BOX 350
Ghent KY 41045

Phone (502) 347-9500
Fax (502) 347-9333

March 31, 2004

Howard B. Keen
72 Goodridge Drive
Florence, KY 41042

Re: New Meter on Clay's Lick

Howard,

We are holding your meter connection fee of \$465.00 until we can be assured that you want to proceed. I am enclosing one page from our approved tariff showing that you will have to be responsible for the costs associated with the road bore back to your property. This cost cannot be determined until the bore is complete since we cannot predict how much rock we may encounter. As I explained to you several months ago on the phone, this cost may only be several hundred dollars but could possibly go as high as \$3,000.00 or more. At that time you said you understood. Please let us know whether you want us to proceed on this basis on return you \$465.00.

Sincerely,



James L. Smith, Manager
Carroll County Water District #1

Enclosure

COPY

FOR Carroll County Water District #1

P.S.C. KY.NO. _____

_____ SHEET NO. _____

CANCELLING P.S.C. KY.NO. _____

_____ SHEET NO. _____

Carroll County Water District #1

RULES AND REGULATIONS

4. Nothing contained therein shall be construed to prohibit the utility from making extensions under different arrangements if such arrangements have received the prior approval of the Public Service Commission.

5. Upon complaint to and investigation by the Public Service Commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the Public Service Commission that such extension is reasonable and that an extension of fifty (50) feet or less is unreasonable under the circumstances.

6. In cases where a landowner has refused to give easement to cross his property and the District had to cross the road to avoid the property, the District may charge this property owner for the road bore back to his property in addition to a regular meter connection fee if and when a request is made for water service. This additional charge would not apply to subsequent owners of the property if the ownership changes.

AF. Extension Procedures for Developers and/or New Subdivisions. The utility contracts privately with the owners/developers for the installation of water service for the subject subdivision. The owners/developers, pursuant to these contracts, extend mains and install water service at their expense. The utility does not accept nor receive any contribution, cost reimbursement, or deposit from any customer (lot owner) in this circumstance and as contemplated by 807 KAR 5:066 Section 11 (2)(a), and therefore, 807 KAR 5:066 Section 11 (2)(b) (1) or (2) does not apply to the utility with regard to newly-developed subdivisions. All contracts entered into by the district must have the prior approval of the Public Service Commission.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

AUG 18 2003

PURSUANT TO 807 KAR 5.011
SECTION 9 (1)

BY: Charles L. Dyer
EXECUTIVE DIRECTOR

DATE OF ISSUE August 18, 2003
Month / Date / Year

DATE EFFECTIVE August 18, 2003
Month / Date / Year

ISSUED BY James L. Smith
(Signature of Officer)

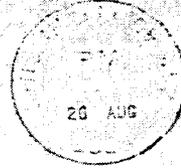
TITLE Manager

ISSUED BY THE AUTHORITY BY AN ORDER OF THE PUBLIC SERVICE COMMISSION OF KENTUCKY IN

CASE NO. 2003-00145

PAGE# 44

DATED August 19, 2003



Kentucky Public Service Commission
ATTN: Consumer Services Division
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615